

All corrections to notes on this calendar should be filed no later than 12 P.M. (Noon) on 10-2-06. Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case. The update to these notes will be posted in the late afternoon of the following day.

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: BG BS00411

CASE NAME: DAVID AND FERYNN CORTINAS

HEARING:

Petition for Termination of Guardianship

COUNSEL:

LORENA M SANDOVAL	(PET)...PRO/PER
DAVID C CORTINAS	(MIN)...
FERYNN N CORTINAS	(MIN)...
MINOR CHILD	(MIN)...
DAVID C CORTINAS	(MIN)...
FERYNN N CORTINAS	(MIN)...
ROBERTA D FRANCOIES	(PET)...PRO/PER
TERESA M HERNANDEZ	(PET)...PRO/PER

GENERAL INFORMATION continued from 8-11-06. Matter referred to Court Investigator for report and recommendation. We are awaiting report. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to terminate

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the mother. She alleges that she has been clean and sober for 18 months, continues to attend NA. She is employed and has a residence for the minors. Petitioner alleges that guardian is in agreement if the court will terminate.
2. Declaration filed by guardian (tabbed) alleging concerns re termination. However, it does not appear guardian has filed objections. Court may wish to inquire whether guardian objects and if so court to refer matter to court investigator.
3. File notice of hearing and proof of mailed service on all persons listed in section 9 of the petition including minors 12 and over.

RECOMMENDATION: None

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VC VS00202

CASE NAME: MTR OF KAREN K HENSON

HEARING:
FIRST and Final Account and Report.

COUNSEL:
CONNIE REASONS (PLA)...PRO/PER
MEL C NELSON (PLA)...PRO/PER
KAREN K HENSON (PLA)...PRO/PER
BOND SERVICES OF CALIFORNIA (TP)...PRO/PER

GENERAL INFORMATION continued from 6-30-06. Only new thing filed is notice by the clerk to relevant parties.

THIS CASE IS SET FOR HEARING ON final accounting and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter set on calendar on court's own motion after receiving notice from the Court Investigator that the Conservatee died 12-30-05. The clerk gave notice of this hearing. Nothing has been filed by the Conservator.
2. We have also received a notice from the Court Investigator indicating that there are \$1,050 in fees that have not been paid. Court Investigator requests that the court order the Conservator to pay the money forthwith.
3. We have also received a notice of non-payment of bond.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk must notice bonding company.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VC VS00212

CASE NAME: MTR OF ANGELA DELGADO

HEARING:

Hearing Re: FIFTH ACCOUNTING.

COUNSEL:

ANGELA DELGADO (PET)...GEORGE A VAUSHER
JOSE DELGADO (PET)...GEORGE A VAUSHER

GENERAL INFORMATION The accounting filed covers 8-1-04 through 7-31-05. This is almost a year out of date. By the time the last accounting was heard that one was over a year out of date. The court ordered counsel to file an accounting for hearing on 10-3-06. That accounting was to cover through 7-31-06, not 2005. The problem with petitioner and counsel filing accountings that are so far out of date is that the court is never aware of the current condition of the estate. Continued from 6-9-06. Nothing new has been filed.

THIS CASE IS SET FOR HEARING ON 5th account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney requests \$7,130 in fees and costs. The \$25 in costs is related to making copies. This is not a permitted reimbursement. See Local Rule of Court, Rule 1406(f). Also it should be noted that the requested fees encompass 23% of the remaining assets of the estate. There is an itemization, but it is extremely vague. Also the amount of time spent appears excessive. For example, on the 4th accounting there is a notation "work on accounting 8 hours". The next notation "prepare fourth accounting/ bank reconciliation/ reconciliation of gains and loss/ closing statement on sale of real properties 10 hours" Attorney is therefore charging for 18 hours work in preparing an accounting at a rate of \$200 per hour. It should also be noted that the first time the 4th accounting was filed it was defective and counsel was ordered to file an amended accounting. Counsel charged for a 2 hour court appearance for the hearing wherein he was told his accounting was not

proper. Counsel has now charged an addition 10 hours or \$2,000 for an accounting that is almost a year out of date. Judge to decide.

2. Do not see bank statement for blocked account. Where is the blocked account held? File original bank statement.
3. The petitioner has a checking account that the social security checks are deposited into and those assets are used for the care of the Conservatee. The blocked account appears to be for the extras, such as for the Conservatee's vacation trips.
4. Where is the Conservatee residing. File verified supplement.
5. File notice of hearing and proof of service.
6. There are a number of entries on the accounting that will need further clarification:
 - Why are there multiple entries for room and board on the same date and why are the amounts different?
 - There is an entry for "Cookie Lee-Supplies- \$59.26". Cookie Lee is a jewelry dealer. What supplies were purchased?
 - What "supplies" were purchased at the Chrism Shop for \$800?
 - Why was it necessary to spend \$144.35 for make-up?
 - What supplies were purchased at Argentina Acres for \$15?
 - What supplies were purchased at Candle Party for \$52.17?
 - What supplies were purchased with "cash" of \$100?
 - What supplies were purchased at CIT Pet Store for \$107.50?
 - If Conservatee is paying Conservator \$450 per month for room and board, why is there an additional charge at Stater Bros. for \$88.18?
 - What supplies were purchased at Cal Check for \$222.02?
 - What supplies were purchased from AIG Am General for \$58.44?
 - Who is Kim and why was she paid \$88.33 for supplies?

RECOMMENDATION:

Court will have to require major verified supplements to this accounting.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VC VS00333

CASE NAME: MTTR OF TIMOTHY JANSSON

HEARING:

Accounting Review

COUNSEL:

BONNIE SCHILO (PET)...DAVID W BROWN
TIMOTHY JANSSON (CEP)...

GENERAL INFORMATION continued from 7-28-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. There is no bonding company to notice.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VC VS00461

CASE NAME: MATTER OF NATALIE L SESSA

HEARING:

Hearing re: Inventory and appraisal

	COUNSEL:
BRUNO L SESSA	(CPE)...PRO/PER
NATALIE L SESSA	(CEP)...
PUBLIC GUARDIAN	(SC)...RONALD D REITZ, COUNTY COUNSEL

GENERAL INFORMATION No file available for review.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VC VS00509

CASE NAME: MTTR OF DOROTHY LOUISE BICKLE

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

LINDA PASHKY (PET)...RIPLEY & ASSOCIATES
DOROTHY LOUISE BICKLE (CTP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Clerk must notice bonding company.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VC VS00520

CASE NAME: MATTER OF JAMIE AURINGER

HEARING:

Petition for Appointment of Conservator

COUNSEL:

CHRISTY CLOSE	(CPE)...DAVID W BROWN
JAMIE AURINGER	(CEP)...JANET HERRING

GENERAL INFORMATION temporary letters issued 5-17-06. Continued from 6-30-06.
Nothing new filed other than Inland Regional Center report.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court Investigator report is filed and recommendations tabbed.
2. Petitioner indicates that the Conservatee is developmentally disabled. Require notice to Inland Regional Center. Inland Regional Center report is in the file.
3. Petitioner has requested Pr.C. § 2590 powers. The information on the list of 2591 powers sought conflicts with the assets listed at section 3(e) of the petition. At section 3(e) the petitioner indicates that the sole asset is Public Benefits. Then on the 2591 powers list the petitioner indicates that the Conservatee has real property that needs to be sold. The real property is not listed in section 3(e). File verified supplement.
4. Can't recommend a bond or make a determination as to whether conservatorship of the estate is even necessary until we have a supplement on number 4.
5. Medical powers are sought. Capacity declaration supports request.
6. Dementia powers are sought. File capacity declaration. Capacity declaration concerning dementia powers is signed by the petitioner. It must be prepared by a

physician or psychologist acting within the scope of their licensure with at least 2 years experience in diagnosing dementia. File proper capacity declaration.

7. Dementia powers are sought. Court has appointed Attorney Herring to represent the Conservatee.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-11-07. Set hearing for accounting review for 12-12-07. Accounting to be filed 30 days in advance.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VC VS00540

CASE NAME: MATTER OF GAIL KOEHLER

HEARING:
Petition for Appointment of Conservator

	COUNSEL:
CARL KOEHLER	(PET)...JANET M HERRING
GAIL KOEHLER	(CPE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and the estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File return of citation.
2. Why is conservatorship of the estate necessary? Petitioner is the spouse of the Conservatee. Petitioner alleges that all assets are community property. Per Pr.C. § 3051(b)(2) community property is not a part of the estate. Petitioner indicates that he wishes to sell a piece of vacant land and refinance the family residence. Is the conservatorship of the estate necessary in order to avoid a petition for a particular transaction? File a verified supplement.
3. Dementia powers are sought. File capacity declaration.
4. Dementia powers are sought. Court must appoint counsel for Conservatee.
5. Petitioner indicates that, as the assets are community property, bond is not necessary. As indicated above, under the code, the assets are no a part of the estate of a conservatorship. If petitioner wishes to make them a part of the estate then it would seem that bond is appropriate. If so, bond should be set in the amount of \$139,000.
6. Petitioner seeks 2590 powers to sell a vacant lot and to refinance the house. Court should require that any sales be subject to confirmation of court.

7. Need Court Investigator report.

RECOMMENDATION:

Determine if conservatorship of the estate is really necessary and if the petitioner is requesting that the ½ share of the Conservatee's community property be a part of the estate. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-11-07. Set hearing for accounting review for 12-12-07. Accounting to be filed 30 days in advance.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VC VS255

CASE NAME: IN THE MATTER OF DANIELLE KAY LUCIA

HEARING:

OSC re: ACCOUNTING FOR PERIOD JULY 2001 THRU JUNE 2006

COUNSEL:

DANIELLE KAY LUCIA (CEP)...
LOUIS E LUCIA (CPE)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON O.S.C. re failure to file accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2. Appears that there is no bonding company to notice.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS01015

CASE NAME: MTR OF JACOB J SPROUL

HEARING:
Petition for Appointment of Guardian

COUNSEL:
PATRICIA BRADFORD (PET)...PRO/PER
JACOB J SPROUL (MIN)...
JERRY BRADFORD (PET)...PRO/PER
HEAVENLY R BROWN(SPROUL) (MIN)...

GENERAL INFORMATION Temporary orders denied.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandparents, minor 5.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on parents.
2. File notice of hearing and proof of mailed service on paternal grandfather.
3. The first page of the petition does not mention Jerry Bradford as a petitioner for guardian. However, in several other places in the petition he is mentioned. Court may wish to clarify.
4. Court may wish to review confidential screening form.
5. Matter has been referred to the Court Investigator for a report and recommendation. We are awaiting report.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS01511

CASE NAME: MTTR OF RAUL GOMEZ;SALINA GOMEZ;ADRIANA VENEGAS ET

HEARING:

Petition for Termination of Guardianship

COUNSEL:

CARMEN PADILLA	(PET)...PRO/PER
RAUL GOMEZ	(MIN)...
SALINA GOMEZ	(MIN)...
ADRIANNA VENEGAS	(MIN)...
DANIEL VENEGAS	(MIN)...
JESUS VENEGAS	(MIN)...
ANISSA VENEGAS	(MIN)...
ADRIAN VENEGAS	(MIN)...
GUADALUPE VENEGAS	(PET)...PRO/PER
ALEJANDRO R VENEGAS	(PET)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition to terminate guardianship as to minors Jesus and Daniel Venegas only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service on all siblings of minors ages 12 and over, minors Jesus and Daniel, maternal grandparents and mother. Guardian has signed consent and waiver.
2. Petitioner is the father. He alleges that he has been living with the guardian and children. He now has a new home and employment and alleges that he can care for the minors.

RECOMMENDATION: None.

NOTE: SEE RELATED MATTER ON PAGE 14 OF THIS CALENDAR.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS01812

CASE NAME: MATTER OF JERRY & HEATHER YARYAN

HEARING:

Petition for Termination of Guardianship

COUNSEL:

KIMBERLY ROBERT (PET)...PRO/PER

JERRY DEAN YARYAN III (MIN)...

HEATHER RAEANN YARYAN (MIN)...PRO/PER

CRYSTAL LANK (OBJ)...VALERIE ROSS

GENERAL INFORMATION continued from 7-28-06. Guardian appeared and objected. Court ordered guardian to file written objections before 10-6-07 hearing. No objections filed to date. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court, rule 7.801). Matter referred to Court Investigator for report and recommendation. We are awaiting report. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to terminate guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the mother of the minors. Petitioner alleges that she has been clean and sober for 2 years. She alleges that she has completed drug rehab and still attends AA meetings at least 1 time per week. She indicates that she now has sufficient housing for the children. Petitioner indicates that she and the children have participated in court ordered counseling with Vicki Davio.
2. File notice of hearing and proof of mailed service on all persons listed in section 9 of petition except minors under age 12.
3. There is no objection in the file at the time of this review.

RECOMMENDATION: None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS01820

CASE NAME: MTR OF ALEX GONZALES

HEARING:
Petition for Appointment of Guardian

	COUNSEL:
PAMELA MORGAN	(PET)...PRO/PER
ALEX GONZALES	(MIN)...
ADRIAN GONZALEZ	(MIN)...

GENERAL INFORMATION temporary letters issued 8-16-07.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 4 months.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Due diligence declaration filed as to mother. Judge to decide if sufficient.
3. Court may wish to review confidential screening form.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS01893

CASE NAME: MATTER OF ANISSA,ADRIANNA & ADRIAN VENEGAS

HEARING:
Petition for Termination of Guardianship

COUNSEL:
CARMEN PADILLA (PET)...PRO/PER
ANISSA VENEGAS (MIN)...
ADRIANNA VENEGAS (MIN)...
ADRIAN VENEGAS (MIN)...PRO/PER
ALEJANDRO R VENEGAS (PET)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to terminate guardianship of Alejandro Venegas only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service on all siblings of minors ages 12 and over, minors Jesus and Daniel, maternal grandparents and mother. Guardian has signed consent and waiver.
2. Petitioner is the father. He alleges that he has been living with the guardian and children. He now has a new home and employment and alleges that he can care for the minors.

RECOMMENDATION: None.

NOTE: THIS MATTER IS RELATED TO MATTER ON PAGE 11 OF THIS CALENDAR.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS01894

CASE NAME: MATTER OF ALEXANDER A THORNTON-CHASE

HEARING:

Hearing Re: PETITION TO TERMINATE.

COUNSEL:

REBECCA M WASHINGTON (PET)...PRO/PER
ALEXANDER A THORNTON-CHASE (MIN)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to terminate guardianship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is the father. He alleges that mother is now dead and he is capable of caring for the minor.
2. File notice of hearing and proof of service on all persons listed in section 9 of petition, including minors age 12 and over if any.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS01995

CASE NAME: MATTER CORY JOSEPH MULVEY JR

HEARING:

Hearing Re: PROOF OF GUARDIANSHIP IN KS.

COUNSEL:

KELLY R FRALEY (PET)...PRO/PER
CORY JOSEPH MULVEY JR (MIN)...
HAYLEIGH MULVEY (MIN)...
EDWARD C MULVEY (OBJ)...ARTHUR J LACILENTO

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON proof of guardianship in Kansas.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 4-7-06 the court allowed the guardian to remove the minor from the state on condition that guardianship was established in Kansas. No proof filed.

RECOMMENDATION:

Suggest the court suspend powers and set the matter for an O.S.C. re termination of guardianship. Have clerk notice guardian at the Kansas address.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS02028

CASE NAME: MATTER OF DYLAN LEONARD

HEARING:
Petition for Appointment of Guardian

COUNSEL:
TAMMY R TAHOUR (PET)...PRO/PER
DYLAN LEONARD (MIN)...

GENERAL INFORMATION per order of this court this matter is stayed pending outcome of the custody proceedings in the State of Kentucky. We have now received an order from Kentucky indicating that the court orders the minor to remain as currently placed through the end of the school year. At the end of the school year Kentucky will entertain a motion for visitation by the parents. Temporary letters issued 11-10-05. Continued from 4-7-06 for further direction from Kentucky. Again continued from 7-7-06. Nothing new filed except notice of continuance.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal aunt, minor 10

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court may wish to review confidential screening form.
2. Petition appears procedurally complete.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS02117

CASE NAME: MTR OF MC CLURE

HEARING:

Petition for Appointment of Guardian

COUNSEL:

TONI A MCCLURE (PET)...PRO/PER

SHEREE TALEYA MCCLURE (MIN)...

TYREE TERRILL MCCLURE (MIN)...

GENERAL INFORMATION temporary letters issued 3/29/06. Continued from 5-5-06.
Court ordered that any party objecting was to file written objections or objections would be deemed waived. Matter has been referred to Court Investigator. We are awaiting report.

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by great maternal aunt, minors 14 and 14 (twins)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file notice of hearing and proof of service on mother. We have mailed notice on mother. Mother has filed a petition to terminate, see next matter on calendar. As mother is currently before the court the court could waive further notice to her.
2. Mother filed a petition to terminate. Court deemed petition to be objection to this petition.
3. Court determined that there was a guardianship proceeding in Michigan and that court would call court in Michigan. Per documents on the left hand side of the file there was a hearing in Michigan for termination of the guardianship in that state. We do not know the outcome of that hearing.

RECOMMENDATION:

None

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS02167

CASE NAME: MATTER OF ADRIAN D GURULE

HEARING:
Petition for Appointment of Guardian

COUNSEL:
ESTHER RAMIREZ (PET)...PRO/PER
ADRIAN D GURULE (MIN)...
CASSIE LEE CABRIALES/LINARES (OBJ)...PRO/PER

GENERAL INFORMATION temporary letters issued 6-12-06. Continued from 7-21-06.
Court referred matter to Court Investigator. We are awaiting report. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by
paternal grandmother, minor 1 year.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Father has signed waiver and consent.
2. Mother was personally served on 6/21/06.
3. Due diligence declaration filed as to MGF indicating efforts to locate MGF were unsuccessful. JTD.
4. Mother has filed written objections. Matter is contested.
5. Court may wish to refer matter to Court Investigator for investigation and report.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS02217

CASE NAME: MATTER OF CORRINA & IRENE CHAVEZ-REYES

HEARING:

Petition for Appointment of Guardian

COUNSEL:

JULIA R MONTEZ (PET)...PRO/PER
CORRINA J CHAVEZ-REYES (MIN)...
IRENE J CHAVEZ-REYES (MIN)...

GENERAL INFORMATION temporary letters issued

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by aunt, minors 15 and 15.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS02218

CASE NAME: MATTER OF JEWEL PATRICIA VIOLET DANNA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

VIVIAN L BEATTY (PET)...PRO/PER
JEWEL PATRICIA VIOLET DANNA (MIN)...

GENERAL INFORMATION temporary letters issued 8-15-06

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandmother, minor 5.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Parents appeared at the time of the exparte hearing and objected. Court ordered them to file written objections. None filed to date. If court continues a matter for filing of written objections or response and party fails to serve and file a timely objection or response, the court may deem the objection or response waived. (Cal. Rule of Court, rule 7.801).
3. Court may wish to review confidential screening form.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS02219

CASE NAME: MATTER OF ALIYAH AND ELAINA HERRERA

HEARING:
Petition for Appointment of Guardian

	COUNSEL:
MELISSA GRIEGO	(PET)...PRO/PER
ALIYAH HERRERA	(MIN)...
ELAINA HERRERA	(MIN)...

GENERAL INFORMATION temporary letters issued 8-15-06.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by step-mother, minors 4 and 3.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS02220

CASE NAME: MATTER OF ASHLEE N GARCIA ET AL

HEARING:

Petition for Appointment of Guardian

COUNSEL:

MONET D CROWE	(PET)...PRO/PER
ASHLEE N GARCIA	(MIN)...
KELLY M GARCIA	(MIN)...
HAILEE R GARCIA	(MIN)...

GENERAL INFORMATION temporary letters issued 8-15-06

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by cousin, minors, 13, 11, 9

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. What degree of cousin? If more distant than 1st cousin need D.C.S. report.

RECOMMENDATION:

None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS02221

CASE NAME: MATTER OF ELIJAH WAYNE SCHULLER

HEARING:
Petition for Appointment of Guardian

COUNSEL:
VIRGINIA G SCHULLER (PET)...PRO/PER
ELIJAH WAYNE SCHULLER (MIN)...

GENERAL INFORMATION temporary letters issued 8-16-06.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by
maternal grandmother, minor 5.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of personal service on mother.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE DAVID A WILLIAMS

DATE: 10/06/06 TIME: 8:30 DEPT: V12G

CASE #: VG VS02222

CASE NAME: MATTER OF ROBERT A HACKER

HEARING:
Petition for Appointment of Guardian

	COUNSEL:
GINGER BAILEY	(PET)...PRO/PER
JAMES BAILEY	(PET)...PRO/PER
ROBERT A HACKER	(MIN)...
MELISSA E SMILEY	(OBJ)...PRO/PER

GENERAL INFORMATION temporary letters issued 8-17-06

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by paternal grandparents, minor 3

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service per order prescribing notice.
2. Mother has filed written objections.
3. Mother was given visitation at an exparte hearing on 8-24-06.
4. Court may wish to review confidential screening form.
5. Matter referred to Court Investigator. We are awaiting report.

RECOMMENDATION:
None.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002384

CASE NAME: ESTATE OF KEITH LEVAL PATTERSON

HEARING:

Hearing Re: ACCOUNTING REVIEW (CONT FROM 12/9).

COUNSEL:

DEBORAH YOLANDA PATTERSON (PET)...PRO/PER
KETIH LEVAL PATTERSON (DEC)...

GENERAL INFORMATION continued from 12-9-05, 5-5-06 and 7-7-06. Only new thing filed is a notice of intent to sell real property proof of publication. Nothing new filed on the issues below.

THIS CASE IS SET FOR HEARING ON accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate is not in a condition to close because the administrator is "checking on the decedent's prior income tax issues, to ensure that all are handled", needs to give notice to Department of Health Services and may decide to sell the real property.
2. Letters were first issued in this case on 7-2-04, more than a year ago. What is causing the delay in "checking tax issues", giving notice to the Department of Health Services and deciding whether or not to sell the house? File verified supplement.
3. File notice of hearing and proof of service in accord with Pr.C. § 12201. Whenever a status report is filed without an accounting notice must indicate a right to an accounting in accord with Pr.C. § 10950. This form of notice is mandatory.

RECOMMENDATION:

Require verified supplement on number 2. Require proper notice as indicated in number 3. If nothing filed prior to hearing may wish to take action as specified in Pr. C. § 11050 et

seq. There is no bonding company to notice. If status report petition granted court will have to set future dates. Set hearing for the next status report and/or account for 12-12-07. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002414

CASE NAME: ESTATE OF MELINDA ALLEN

HEARING:
Hearing re Final Discharge

	COUNSEL:
ADRIAN MCKEE	(PET)...LAW OFFICES OF RICHARD S COLLI
MELINDA ALLEN	(DEC)...

GENERAL INFORMATION continued from 6-9-06. Clerk has given notice. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr. C. § 8505.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002439

CASE NAME: ESTATE OF FRANK B LUNA

HEARING:

Hearing Re: INVENTORY AND APPRAISAL.

COUNSEL:

LISA M KASSAP	(PET)...	KENNETH G CAMPION
FRANK B LUNA	(DEC)...	
SANDRA LUNA	(PET)...	ROBERT LEWIS RAUPP
SANDRA LUNA	(OBJ)...	JAMES BRUCE MINTON
KENNETH G CAMPION	(PRO/PER)...PRO/PER
KATHY A BARTLOW	(PRO/PER)...PRO/PER
LAW OFFICES OF DAVID AND TURNE	(DAVID & TURNER)...DAVID & T

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Only a partial inventory and appraisal filed. When will final be filed?

RECOMMENDATION:

Determine when final will be filed and set control date to ensure compliance.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002465

CASE NAME: ESTATE OF PATRIA E SUDDARTH

HEARING:

Hearing Re: FIRST & FINAL ACCT;SETTLMT;REPORT;FEES;FINAL DISTR.

COUNSEL:

DAVID A ESQUIBIAS (PET)...DAVID A ESQUIBIAS
PATRIA E SUDDARTH (DEC)...

GENERAL INFORMATION continued from 6-30-06

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that he paid \$223 in filing fees. This is not correct. Petitioner paid \$281.50 in filing fees. As the estate falls within the base rate no additional fees are due.
2. Was a due and diligent search conducted to determine known or reasonably ascertainable creditors? File verified supplemental.
3. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.
4. File verification.
5. Statutory fees are \$5,629.99. Petitioner is a self represented litigant.
6. **Supplement is filed to correct Inventory. A corrected Inventory needs to be appraised by the probate referee as it lists securities. In addition, petitioner alleges there is unclaimed property with the California State Controller that is being claimed.** It does not appear the estate is yet in a position to be closed as the appraisal of additional assets is required (including the unclaimed property assets).

RECOMMENDATION: Determine status of unclaimed property with the California State Controller.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002467

CASE NAME: ESTATE OF CALEEN J WILSON

HEARING:
Hearing re Final Discharge

	COUNSEL:
STEVEN WILSON	(PET)...JANET M HERRING
DOUGLAS WILSON	(PET)...JANET M HERRING
CALEEN J WILSON	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner filed a declaration for final discharge in an improper format and it was returned. We are awaiting submission of the of the discharge order in proper format.

RECOMMENDATION:

Require petitioner to file final discharge order on the mandatory Judicial Council Form.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002471

CASE NAME: ESTATE OF BRUCE LEE FREEMAN

HEARING:

Hearing Re: ACCOUNTING REVIEW.

COUNSEL:

DOREEN R LOPEZ (PET)...ZUMBRUNN LAW CORPORATION
BRUCE LEE FREEMAN (DEC)...
JULIE M BRYAN (OBJ)...CALDWELL, KENNEDY & PORTER, A.

GENERAL INFORMATION No file available for review.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002490

CASE NAME: ESTATE OF JAMES S CRICHTON

HEARING:
Hearing re Final Discharge

COUNSEL:
NANCIE KANESHIRO (PET)...MCINTIRE LAW CORP
JAMES S CRICHTON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipt and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge filed. Clerk has given notice.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr. C. § 8505

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002625

CASE NAME: ESTATE OF LUPE RAYMOND RIVERA

HEARING:
Accounting Review

COUNSEL:
WILLIAM RIVERA (PET)...THE HEGNER LAW FIRM
LUPE RAYMOND RIVERA (DEC)...

GENERAL INFORMATION continued from 6-16-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed. Clerk has given notice.

RECOMMENDATION:

If the personal representative does not file the accounting as required, the court shall take action as specified in Pr. C. § 11050 et seq.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002676

CASE NAME: ESTATE OF STEVEN L JONES SR

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

STEVEN L JONES JR (PET)...RUSSELL P NOWELL

STEVEN L JONES SR (DEC)...

STATE OF CALIF FRANCHISE TAX B(TP)...PRO/PER

GENERAL INFORMATION continued from 6-16-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002704

CASE NAME: ESTATE OF THELMA JEAN MULLER

HEARING:

Hearing Re: MOTION FOR SUMMARY JUDGMENT OR SUMMARY ADJUDICATIO.

COUNSEL:

JUANITA LEE MORENO (PET)...ROSENSTEIN WILSON & DEANP.L.C.
THELMA JEAN MULLER (DEC)...
JULIAN MULLER (OBJ)...HAROLD S NELSON

GENERAL INFORMATION No notes at this time.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002745

CASE NAME: ESTATE OF WILLIAM CURTIS JOHNSON

HEARING:
Accounting Review

COUNSEL:
WADE D WEAVER (PET)...CALDWELL, KENNEDY & PORTER, A.
WILLIAM M CURTIS JOHNSON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:
Matter may go off calendar.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002785

CASE NAME: ESTATE OF FRANCES BERNICE MILHON

HEARING:

Petition for FOR STLMNT FIRST & FINAL ACCOUNT; PTN FOR FINAL
DIST; FOR APPRVL ACCTG

COUNSEL:

ONA L ENOCHS (PET)...DAVID W BROWN
FRANCES BERNICE MILHON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Did decedent's predeceased spouse receive health care benefits? File verified supplemental.
2. Statutory fees are \$4,600. Petitioner waives fees. There are no liquid assets. Attorney will be paid by petitioner outside of probate.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 12-12-07.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002815

CASE NAME: ESTATE OF ALBERTA V DAVID

HEARING:

Hearing Re: PTN FOR FINAL DIST; STATUTORY FEES.

COUNSEL:

CHARLES W HULETT (PET)...ANNE ZIMMERMAN
ALBERTA V DAVID (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. There are specific bequests. These specific bequests began to draw interest on 12-25-05. Such interest is not allowed for in the petition. File verified supplement.
2. Please indicate character of the property as separate, community, etc. File verified supplement.
3. Did decedent's predeceased spouse receive health care benefits? File verified supplemental.
4. File verification.
5. Please file verified supplement indicating any family or affiliate relationship between the fiduciary and any agent hired by the fiduciary, if any. (Pr.C. § 1064(a)(4)).
6. Statutory fees are \$7,626.
7. Attorney requests reimbursement for \$281.50 for costs advanced.
8. The graduated filing fee form filed is somewhat confusing. At one place petitioner indicates that \$353 in fees was paid, at another petitioner indicates that \$281.50 was paid. At any rate, the amount paid was \$281.50 and no additional fees are owed.

RECOMMENDATION: If petition granted court will have to set future dates. Set hearing for filing of receipts and final discharge order for 12-12-07.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002922

CASE NAME: ESTATE OF GLADYS THELMA GONZALES

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
WILBER G GONZALES (PET)...THE HEGNER LAW FIRM
GLADYS THELMA GONZALES (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002957

CASE NAME: ESTATE OF NORMA THOMAS

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

BETTY JEAN BENNETT (PET)...DAVID W BROWN
NORMA THOMAS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed.

RECOMMENDATION:

Suggest the clerk notice counsel or administrator of the need to file the documents.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002958

CASE NAME: ESTATE OF MARY E DEDEAUX

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

LYNNE C FLAGLER	(PET)...LUNDBERG & BAXTER LLP
MARY E DEDEAUX	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS002962

CASE NAME: ESTATE OF HAROLD E HANDLEY

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JENNIFER K HANDLEY (PET)...LUNDBERG & BAXTER LLP
HAROLD E HANDLEY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and/or 8505.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003019

CASE NAME: ESTATE OF GARY TSUEN-HEE CHOCK

HEARING:

OSC re: SANCTIONS FOR KATHLEEN FITZGERALD

COUNSEL:

LINDA LANE (PET)...KATHLEEN M FITZGERALD
GARY TSUEN-HEE CHOCK (DEC)...
MARTHA JANE CHOCK (TP)...PRO/PER
GWEN K MCGWIN (PRO/PER)...PRO/PER

GENERAL INFORMATION

Continued from 6-9-06, 7/14/06, 7/21/06 and 8-18-06. On 7/21/06, Court notes that petitioner failed to file substitution of attorney and court set this OSC re Sanctions. Substitution of Attorney is now filed whereby Attorney Francis has subbed out and Attorney Kathleen Fitzgerald now represents petitioner.

THIS CASE IS SET FOR HEARING ON OSC re Sanctions

This case was originally set for Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Temporary letters issued 4-5-06.
2. Linda Lane is named in the will, but is not on attachment 9. File verified supplement.
3. Will waives bond.

RECOMMENDATION:

Court's discretion on the sanctions issue. As to petition for probate, if petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-11-07. Set hearing for filing of status report and/or accounting for 12-12-07. Any accounting to be filed 30 days in advance

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003025

CASE NAME: TRUST OF JACK EUGENE LERG

HEARING:

Petition for TO COMPEL TRUSTEE ETHEL ANN LERG TO ACCOUNT *

COUNSEL:

BETTY J NEWLAND (PET)...JOHN M RAGER
JACK EUGENE LERG (DEC)...

GENERAL INFORMATION continued from 6-16-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition to compel accounting of trust.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The trust was created in 2003. The settlor died on 5-25-05. At that point Ethel Ann Lerg accepted the position of successor trustee. There are 2 remaindermen beneficiaries, the petitioner and the successor trustee.
2. Petitioner requested an accounting by letter dated 5-2-05. It is alleged that no accounting has been presented in the last 6 months. Petitioner therefore requests that the court order the successor trustee to provide an accounting.
3. Petitioner alleges that the principal place of administration of the trust is San Bernardino County.
4. Notice appears to be complete.
5. There is no objection in the file at the time of this review.
6. The court has the power to compel the trustee to report information about the trust or to account if the trustee fails to submit the report within 60 days after written demand and no report or account has been made within six months preceding the request. (Pr.C. § 17200(b)(7))

RECOMMENDATION:

Recommended for approval absent objection.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003057

CASE NAME: ESTATE OF LORRAINE PHYLLIS HENSLEY

HEARING:

Hearing Re: PETITION FOR PROBATE,LETTERS OF TSTMNTRY W/FULL.

COUNSEL:

GERALD E HENSLEY (PET)...LAW OFFICE OF GARY E GLEICHER
RICHARD L HENSLEY (PET)...LAW OFFICE OF GARY E GLEICHER
LORRAINE PHYLLIS HENSLEY (DEC)...

GENERAL INFORMATION continued from 7-21-06.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. All heirs waive bond.
2. Petition appears procedurally complete.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-11-07. Set hearing for filing of status report and/or accounting for 12-12-07. Any accounting to be filed 30 days in advance.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003107

CASE NAME: MATTER OF MICHAEL MOSCA

HEARING:
Petition to determine succession to Real Property

COUNSEL:
GREGORY MIRAGLIA JR (PET)...GOLD & BIRNBERG, LLP
MICHAEL MOSCA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This is the second time the petitioner has filed a petition to determine succession in this case. The first time he withdrew his petition. Petitioner is the ½ owner of the real property in question. The other half was owned by the decedent, who willed it to his wife. Wife is now deceased. She never transferred title into her name. Her heirs are the 4 children of decedent and now deceased wife. Petitioner is not one of the heirs and has not alleged that he is the personal representative of estate of the deceased wife. He requests that the property be transferred to the estate of Rose T. Mosca, the deceased wife. What is the petitioner's standing to make such a request? File verified supplement.
2. File notice of hearing and proof of service on all persons listed in section 14 of petition.

RECOMMENDATION:
Require verified supplement and notice.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003178

CASE NAME: ESTATE OF ROLAND G CALKINS

HEARING:

Hearing Re: PETN FOR PROBATE OF WILL;LTRS TEST (COMPETING PETN.

COUNSEL:

DENISE M WELDON	(PET)...MEISSNER, JOSEPH & PALLEY
ROLAND G CALKINS	(DEC)...
DWAYNE CALKINS	(PET)...WIL R MULLINS

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate filed by Dwayne Calkins with full I.A.E.A. and \$160,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. A will may not be admitted to probate if it was not executed with testamentary intent. The test of testamentary intent is whether the testator intended by the particular instrument to create a disposition of property effective only upon death. (*In re Sargavak's Estate* (1950) 35 Cal. 2d 93). Here the document in question indicates that certain wishes were being set forth and that the testator understood that such wishes were not mandatory. Petitioner has filed points and authorities contending that the instrument does create a will. Petitioner contends that a Will is defined in Black's Law Dictionary as the "wishes" of the decedent. Petitioner cites Estate of Pagel (1942) 52 Cal App. 38 for the premise that any document can constitute a will. In fact what the case stands for is that if the document is clear on its face then parol evidence is not admissible, but if it is not clear the court can admit parol evidence. Petitioner also cites *In re Estate of Culberg* (1915) 169 Cal 365 for the premise that the essential purpose of the statute provision should be regarded in determining what is required for the due execution of a will, rather than

strict and rigid reading of the words of the statute. This is stated in the case, however, the rule in the case was that execution and attestation can be evidenced by conduct rather than actual spoken words. Based on the foregoing cases petitioner contends that the court should therefore read “wishes” to mean “will”.

3. It would appear that the real problem is not just the word “wishes” but the fact that the decedent coupled that with the statement that he understood that the document was not binding. This would appear to show a lack of present testamentary intent. Judge to decide.
4. File proof of publication.
5. Petitioner requests bond in the amount of \$160,000. Based solely on the information in the petition this appears adequate.

RECOMMENDATION:

See competing petition on the next page.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003178

CASE NAME: ESTATE OF ROLAND G CALKINS

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

DENISE M WELDON	(PET)...MEISSNER, JOSEPH & PALLEY
ROLAND G CALKINS	(DEC)...
DWAYNE CALKINS	(PET)...WIL R MULLINS

GENERAL INFORMATION This is a competing petition with the matter on the preceding page.

THIS CASE IS SET FOR HEARING ON Petition to administer by Denise Weldon, with full I.A.E.A. authority and \$250,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition appear procedurally complete.
2. Per information in the petition only amount of bond requested appears adequate.

RECOMMENDATION:

Both petitioners are the children of the decedent. As such they are of equal priority. If, however, the court determines that the document filed by Dwayne Calkins is a valid will then he would have priority as he is named therein as the administrator of the estate. The person named as executor in a will has a right to appointment. Pr.C. § 8420. If on the other hand the court determines that the will is not valid then the court is back to equal priority. If the petitioners are of equal priority the court may appoint one or more of the petitioners, but if they are unable to agree, the court may appoint the public administrator or a disinterested person in the next lower class of priority as the persons who are unable to agree. Pr.C. § 8467. If petition granted court will have to set future dates. Set hearing

for filing of inventory and appraisal for 4-11-07. Set hearing for filing of status report and/or accounting for 12-12-07. Any accounting to be filed 30 days in advance.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003192

CASE NAME: ESTATE OF NORMA DEFAZIO

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

LUCINDA SPEER	(PET)...	CALDWELL, KENNEDY & PORTER, A.
NORMA DEFAZIO	(MIN)...	
DINO DEFAZIO	(PET)...	WAGNER & PELAYES, LLP
CHRISTINA GORDON	(PET)...	WAGNER & PELAYES, LLP
LISA BYRD	(PET)...	WAGNER & PELAYES, LLP

GENERAL INFORMATION No file available for review.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003196

CASE NAME: ESTATE OF HELEN HAZEL BERGER

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

PEARL HUGHTON	(PET)...DEBRA S POPINEAU
HERBERT HETZLER	(PET)...DEBRA S POPINEAU
HELEN HAZEL BERGER	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. File proof of publication.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-11-07. Set hearing for filing of status report and/or accounting for 12-12-07. Any accounting to be filed 30 days in advance.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003208

CASE NAME: ESTATE OF BEATRICE BURKE

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
MARY JOOSTEN (PET)...ALAN L INGLIS
BEATRICE BURKE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A. authority and \$250,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Petitioner requests bond of \$250,000. Per information in petition amount appears adequate.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-11-07. Set hearing for filing of status report and/or accounting for 12-12-07. Any accounting to be filed 30 days in advance.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS003211

CASE NAME: ESTATE OF BENJAMIN BASS

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

	COUNSEL:
MARTIN A BASS	(PET)...DAVID W BROWN
BENJAMIN BASS	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File proof of publication.
2. Will is not self proving. File proof of subscribing witness.
3. Freda Fox is named in the will, but is not on attachment 9. File verified supplement.
4. Will waives bond. However, petitioner is not a California resident. Local Rule of Court, Rule 405 requires bond in the absence of a waiver by all beneficiaries. Set bond in the amount of \$20,000.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 4-11-07. Set hearing for filing of status report and/or accounting for 12-12-07. Any accounting to be filed 30 days in advance.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS01742

CASE NAME: ESTATE OF UTHA LEE MARTIN

HEARING:
OSC re: ACCOUNTING

COUNSEL:
DAVID A STRAWBRIDGE (PET)...RIPLEY & ASSOCIATES
UTHA LEE MARTIN (DEC)...
HOMER MCBRIDE (OBJ)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON O.S.C. re accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. When the petition for probate was filed a will contest was also filed. The will was admitted to probate. The parties to the will contest settled their dispute. The court approved their settlement. A part of the settlement was that the executor was to apply to the court for permission to distribute the assets. The way this is done is to file a petition for first and final. This was never done. It came to the court's attention that after the settlement agreement was approved the parties took no further action and no further dates had been set. Thereupon the court set the current matter. Clerk has given notice to counsel. Nothing has been filed.

RECOMMENDATION:

Require petitioner to file a status report or a petition for final accounting and distribution. Suggest that the court set this out at least 90 days with an order that any accounting be filed at least 30 days prior to the hearing date. Set matter for hearing in Redlands on a Wednesday.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02120

CASE NAME: MATTER OF WILLIAM PATRICK SULLIVAN

HEARING:
Hearing Re: FILING OF RECEIPTS AND FINAL DISCHARGE.

COUNSEL:
DIANA L BADGER (PET)...PRO/PER
WILLIAM PATRICK SULLIVAN (DEC)...

GENERAL INFORMATION: The Order for Final Distribution was granted on 5/18/05. Thereafter, Attorney David Brown (former attorney for administrator) filed a petition for surcharge against petitioner for failure to pay court ordered fees (\$6,398.70). The petition was continued to 10/6/06. Matter was continued to 10-6 to trail the surcharge hearing. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED:

1. No receipts or final discharge have been filed/submitted.

RECOMMENDATION:
Continue to trail the surcharge matter.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02120

CASE NAME: MATTER OF WILLIAM PATRICK SULLIVAN

HEARING:

Hearing re: DAVID BROWN'S PTN FOR A SURCHARGE ORDER

COUNSEL:

DIANA L BADGER (PET)...PRO/PER
WILLIAM PATRICK SULLIVAN (DEC)...

GENERAL INFORMATION continued from 9-30-05 to allow proper service on the administrator. Service now appears to be complete. There is no opposition in the file. Continued again from 1-20-06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition for surcharge of the administrator of the William Patrick Sullivan estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The petitioner was the former attorney for the administrator Diana L. Badger. The court ordered Administrator to pay counsel \$6,398.70. The administrator gave the attorney a check that bounced. Counsel attempted to contact her, but she refused to communicate with him. Counsel was required to retain his own counsel to pursue this matter.
2. Once the court orders an administrator to pay a debt they must do so and if they fail to do so they will be held personally liable. Pr.C. § 11424. Interest accrues on the debt from the date that the court orders the debt paid and accrues at the legal rate. Pr.C. § 11423(a).
3. Once the court makes an order for payment it is already a judgment and is enforceable pursuant to C.C.P. § 680.010. See Pr.C. § 1049. The only problem with this is that the administrator is not specifically named as the debtor. So the court would need to employ Pr.C. § 11424 to make the administrator personally

liable. This would merely be adding the name of the Administrator to those liable for the debt. I do not believe this is really a surcharge hearing.

4. Counsel has a contractual agreement with the administrator for the payment of fees. Said agreement included a paragraph for payment of attorney fees should the attorney have to employ counsel for the purpose of collecting fees. The contractual agreement is not an obligation of the estate. If there is a breach of the contractual agreement it is a breach by the attorney's client, to wit the administrator. If counsel wishes to collect for this he must do so under a separate action.

RECOMMENDATION:

The court should require a prove up hearing. Upon proper evidence having been presented the court can find that at the time the court made the order for the payment of statutory fees there was sufficient money within the estate to pay those fees. See orange tab in file. That the administrator Diana Badger failed to pay the ordered attorney fees. That this was a debt of the estate and Badger was required to make the payment in accord with the court order. That the failure of Badger to make the payment makes her personally liable for the payment pursuant to Pr.C. § 11424. The court can then authorize the attorney to take whatever means allowed pursuant to C.C.P. § 682.010, as authorized in Pr.C. § 1049, to collect the fee.

The court should decline to award fees on the contract in this action, without prejudice. If counsel wishes to sue for breach of contract and obtain additional damages, he must do so in a separate civil action.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02121

CASE NAME: ESTATE OF THELMA BERNARD

HEARING:

Hearing Re: PTN FOR PRELIM DISTRIBUTION ON WVR OF ACCNTG ETC.

COUNSEL:

MARILYN HICKMAN (PET)...KAREN A STEVENSON
THELMA NOLENE BERNARD (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON petition for preliminary distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Estate is not in a condition to close due to the need to sell real property. Some assets have sold, thus creating some liquidity in the estate. Petitioner proposes to distribute \$40,000 to the beneficiaries at this time. This would amount to less than ½ of the net value of the estate.
2. Petitioner also requests that counsel and petitioner be paid \$4,500 each as a portion of their statutory fees. This amount to less than ½ of the estimated attorney fees.
3. When the personal representative has authority under the Independent Administration of Estates Act to administer the estate without court supervision they may petition the court for an order of preliminary distribution. The aggregate of all property distributed under such a petition shall not exceed 50% of the net value of the estate. Net value is calculated as all inventory and appraisals minus all creditors' claims and lien and encumbrances recorded or known the personal representative. Estate tax liens occasioned by the decedent's death shall be excluded from claims. Pr.C. § 11623. The proposed distribution falls within the guidelines set forth herein.

RECOMMENDATION: Recommended for approval absent objection.

CIVCAL4 Victorville District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE KURT J LEWIN

DATE: 10/06/06 TIME: 8:30 DEPT: VPR

CASE #: VPRVS02317

CASE NAME: ESTATE OF LEONA C SPENCER

HEARING:
Hearing re Final Discharge

COUNSEL:
KENT F FEKETE (PET)...JOHN A BUNNETT
LEONA C SPENCER (DEC)...

GENERAL INFORMATION No file available for review.